

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL WILLIAM RUDD,

Plaintiff,

No. 1:18-cv-124

v

HON. GORDON J. QUIST

THE CITY OF NORTON SHORES, MAYOR
GARY NELUND, individually and in his
official capacity,
POLICE CHIEF DANIEL SHAW, individually
and in his official capacity,
SERGEANT MATTHEW RHYNDRESS,
individually and in his official capacity,
OFFICER MICHAEL WASSILEWSKI,
individually and in his official capacity,
MARK MEYERS, individually and as city
manager,

F/LT. CHRIS MCINTIRE, Michigan State
Police only in his individual capacity;

ATTORNEY DOUGLAS HUGHES,
individually and acting on behalf of his law
firm,
WILLIAM HUGHES, PLLC, a Michigan law
firm,

ATTORNEY MELISSA MEYERS, individually
and acting on behalf of her law firm,
ATTORNEY MICHELLE MCLEAN,
individually and acting on behalf of her law
firm,
ATTORNEY JOEL BAAR, individually and
acting on behalf of his law firm,
BOLHOUSE, BAAR & HOFSTEE PC, a
Michigan law firm,

Defendants.

Daniel W. Rudd
Plaintiff, In Pro Per
201 S. Lake Ave.
Spring Lake, MI 49456
(231) 446-2532
daniel@stock20.com

Richard L. Bolhouse 9P29357)
Bolhouse, Hofstee & McLean PC
Attorneys for Defendants Meyers, McLean,
Baar, and Bolhouse,
Hofstee & McClean PC
39996 Chicago Dr., SW
Grandville, MI 49418
616-531-7711
rickb@bolhousetlaw.com

Sarah R. Robbins (P81944)
Rock Wood (P41181)
Attorneys for Defendant McIntire
Michigan Department of Attorney
General
State Operations Division
P.O. Box 30754
Lansing, MI 48909
(517) 373-1162
RobbinsS@michigan.gov
Woodr5@michigan.gov

Michael S. Bogren (P34835)
Plunkett Cooney
Attorney for Defendants City of Norton
Shores, Gary Nelund, Daniel Shaw,
Matthew Rhyness, Michael Wassilewski,
Mark Meyers, Douglas Hughes and
William Hughes, PLLC
950 Trade Centre Way, Ste. 310
Kalamazoo, MI 49002
269.226.8822
mbogren@plunkettcooney.com

DEFENDANT CHRIS MCINTIRE'S MOTION TO DISMISS

NOW COMES Defendant Lieutenant Chris McIntire, and for his motion to dismiss under Fed. R. Civ. P. 12(b)(1) and (6) states as follows:

1. Plaintiff's claims of federal and state law violations allegedly stem from a protracted child custody battle, which apparently had proceeded over the course of some years. Plaintiff has sued a variety of defendants. Defendant Lieutenant McIntire is a Michigan State Police First Lieutenant, who had no role relative to the custody battle.

2. Plaintiff's complaint fails to state a claim upon which relief may be granted and should be dismissed:

a. Plaintiff fails to state specific acts of Defendant Lieutenant McIntire that could support liability under 42 U.S.C. §1983.

b. Plaintiff's Counts 1-4 fail to state a conspiracy claim.

c. Plaintiff's state-law claims fail to state a claim for which relief can be granted.

3. This Court lacks jurisdiction over portions, if not all, of Plaintiff's claims, as the claims are time-barred by the applicable statutes of limitations.

4. Plaintiff's respective claims are barred by federal and state-law immunity.

5. All claims against Defendant Lieutenant McIntire should be dismissed with prejudice.

6. Consistent with W.D. Mich. L.Civ.R. 7.1(d), undersigned counsel sought the concurrence of Plaintiff by email on April 10, 2018, but concurrence was not given.

Respectfully submitted,

Bill Schuette
Attorney General

/s/ Sarah R. Robbins
Sarah R. Robbins (P81944)
Rock Wood (P411181)
Attorneys for Defendant McIntire
Michigan Department of Attorney General
State Operations Division
P.O. Box 30754
Lansing, MI 48909
(517) 373-1162
RobbinsS@michigan.gov

Dated: April 13, 2018